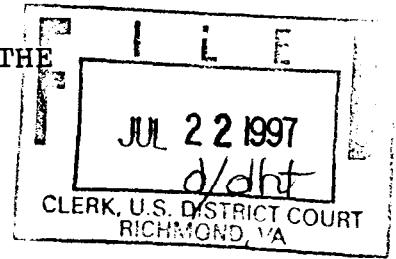


IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION



UNITED STATES OF AMERICA)
)
)
 v.) Criminal No. 3:96-CR-66 (5)
)
)
 CLAUDE GERALD DENNIS)
 a/k/a "Jerry Lubin")
 a/k/a "Jerry")
 a/k/a "G-Man")
)
 Defendant.)

FINAL AMENDED NOTICE OF INTENT TO SEEK A SENTENCE OF DEATH

COMES NOW the United States of America, pursuant to Title 21, United States Code, Sections 848(e)(1)(A) and 848(h)(1)(A) & (B), by and through its undersigned counsel, Helen F. Fahey, United States Attorney, and Andrew G. McBride and David J. Novak, Assistant United States Attorneys, and files a Final Amended Notice of Intent to Seek a Sentence of Death. The United States notifies the Court and the defendant CLAUDE GERALD DENNIS and his counsel, that in the event of the defendant's conviction of any of Counts Five or Six, of the pending Superseding Indictment, wherein the defendant is charged with intentionally killing Dasmond Miller and Sherman Ambrose and aiding and abetting said intentional killings, while engaging in and working in furtherance of a continuing criminal enterprise and while engaging in an offense punishable under Title 21, United States Code, Section 841(b)(1)(A), the Government will seek the sentence of death.

I. AGGRAVATING FACTORS AS TO COUNT FIVE

The Government will seek to prove the following aggravating factors as the basis for imposition of the death penalty against CLAUDE GERALD DENNIS in relation to Count Five of the Superseding Indictment for the intentional killing of Dasmond Miller:

A. Statutory Aggravating Factors Enumerated under 21 U.S.C. § 848(n) (1) (A) through (D):

1. The defendant intentionally killed Dasmond Miller. Section 848(n) (1) (A).

2. The defendant intentionally inflicted serious bodily injury which resulted in the death of Dasmond Miller. Section 848(n) (1) (B).

3. The defendant intentionally engaged in conduct intending that the victim, Dasmond Miller be killed and that lethal force be employed against the victim, which resulted in the death of Dasmond Miller. Section 848(n) (1) (C).

4. The defendant intentionally engaged in conduct which the defendant knew would create a grave risk of death to a person, other than one of the participants in the offense, and that conduct resulted in the death of Dasmond Miller. Section 848(n) (1) (D).

B. Statutory Aggravating Factors Enumerated under 21 U.S.C. § 848(n) (2) through (12):

1. The defendant CLAUDE GERALD DENNIS committed the offense described in Count Five of the Superseding Indictment after substantial planning and premeditation. Section 848(n) (8).

C. Other, Non-Statutory, Aggravating Factors Identified under 21 U.S.C. § 848 (h)(1)(B) and § 848(k):

1. The defendant CLAUDE GERALD DENNIS's future dangerousness that is, the probability that the defendant would commit criminal acts of violence constituting a continuing threat to society, as evidenced by some or all of the following:

a. On September 21, 1989, the defendant CLAUDE GERALD DENNIS was arrested at 417 Baltic Avenue in Brooklyn, New York with a loaded 9mm Taurus semi-automatic pistol in his waistband.

b. On September 21, 1989, the defendant CLAUDE GERALD DENNIS falsely identified himself to New York City police officers as "Jerry Lubin."

c. On October 3, 1989, the defendant CLAUDE GERALD DENNIS failed to appear to answer charges of Criminal Possession of a Weapon in the Third Degree in Kings County, New York in Docket Number 9K063923 and a warrant for his arrest was issued.

d. On October 9, 1989, in Richmond, Virginia and elsewhere, the defendant CLAUDE GERALD DENNIS aided and abetted DEAN ANTHONY BECKFORD in the attempted murder of a sixteen year old drug runner, Tracy Lavache.

e. Throughout the Fall of 1989, in Richmond, Virginia the defendant DEAN ANTHONY BECKFORD jointly possessed with the defendant CLAUDE GERALD DENNIS a Glock 9mm semi-automatic pistol with two 17-round magazines and a 9mm Baretta semi-automatic pistol with a sixteen round magazine, which firearms the defendants BECKFORD and DENNIS used on an "as needed" basis to protect and further their drug trafficking enterprise.

f. On June 15, 1990, the defendant CLAUDE GERALD DENNIS was found guilty of the crime of accessory after the fact to malicious wounding and the crime of abduction by a jury in the Circuit Court of the City of Richmond in Docket Numbers F-90-1123 and F-90-1124.

g. On August 26, 1996, the defendant CLAUDE GERALD DENNIS, who was at the time a convicted felon prohibited from possessing any firearms, had in his possession a Calico 9mm semi-automatic machine pistol with a 50 round magazine in Brooklyn, New York.

2. The nature and circumstances of the offense charged in Count Five of the Superseding Indictment, including, but not limited to, the following:

a. The defendant intentionally killed and aided and abetted the intentional killing of more than one person in a single criminal episode, to wit: Dasmond Miller and Sherman Ambrose.

II. AGGRAVATING FACTORS AS TO COUNT SIX

The Government will seek to prove the following aggravating factors as the basis for imposition of the death penalty against CLAUDE GERALD DENNIS in relation to Count Six of the Superseding Indictment for the intentional killing of Sherman Ambrose:

A. Statutory Aggravating Factors Enumerated under 21 U.S.C. § 848(n) (1) (A) through (D):

1. The defendant intentionally killed Sherman Ambrose. Section 848(n) (1) (A).

2. The defendant intentionally inflicted serious bodily injury which resulted in the death of Sherman Ambrose. Section

848(n)(1)(B).

3. The defendant intentionally engaged in conduct intending that the victim, Sherman Ambrose be killed and that lethal force be employed against the victim, which resulted in the death of Sherman Ambrose. Section 848(n)(1)(C).

4. The defendant intentionally engaged in conduct which the defendant knew would create a grave risk of death to a person, other than one of the participants in the offense, and that conduct resulted in the death of Sherman Ambrose. Section 848(n)(1)(D).

B. Statutory Aggravating Factors Enumerated under 21 U.S.C. § 848(n)(2) through (12):

1. The defendant CLAUDE GERALD DENNIS committed the offense described in Count Six of the Superseding Indictment after substantial planning and premeditation. Section 848(n)(8).

C. Other, Non-Statutory, Aggravating Factors Identified under 21 U.S.C. § 848(h)(1)(B) and § 848(k):

1. The defendant CLAUDE GERALD DENNIS's future dangerousness that is, the probability that the defendant would commit criminal acts of violence constituting a continuing threat to society, as evidenced by some or all of the following:

a. On September 21, 1989, the defendant CLAUDE GERALD DENNIS was arrested at 417 Baltic Avenue in Brooklyn, New York with a loaded 9mm Taurus semi-automatic pistol in his waistband.

b. On September 21, 1989, the defendant CLAUDE GERALD DENNIS falsely identified himself to New York City police officers as "Jerry Lubin."

c. On October 3, 1989, the defendant CLAUDE GERALD DENNIS failed to appear to answer charges of Criminal Possession of a Weapon in the Third Degree in Kings County, New York in Docket Number 9K063923 and a warrant for his arrest was issued.

d. On October 9, 1989, in Richmond, Virginia and elsewhere, the defendant CLAUDE GERALD DENNIS aided and abetted DEAN ANTHONY BECKFORD in the attempted murder of a sixteen year old drug runner, Tracy Lavache.

e. Throughout the Fall of 1989, in Richmond, Virginia the defendant DEAN ANTHONY BECKFORD jointly possessed with the defendant CLAUDE GERALD DENNIS a Glock 9mm semi-automatic pistol with two 17-round magazines and a 9mm Baretta semi-automatic pistol with a sixteen round magazine, which firearms the defendants BECKFORD and DENNIS used on an "as needed" basis to protect and further their drug trafficking enterprise.

f. On June 15, 1990, the defendant CLAUDE GERALD DENNIS was found guilty of the crime of accessory after the fact to malicious wounding and the crime of abduction by a jury in the Circuit Court of the City of Richmond in Docket Numbers F-90-1123 and F-90-1124.

g. On August 26, 1996, the defendant CLAUDE GERALD DENNIS, who was at the time a convicted felon prohibited from possessing any firearms, had in his possession a Calico 9mm semi-automatic machine pistol with a 50 round magazine in Brooklyn, New York.

2. The nature and circumstances of the offense charged in Count Five of the Superseding Indictment, including, but not

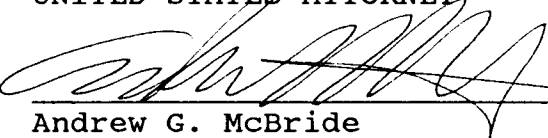
limited to, the following:

a. The defendant intentionally killed and aided and abetted the intentional killing of more than one person in a single criminal episode, to wit: Dasmond Miller and Sherman Ambrose.

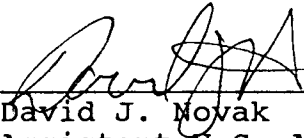
Respectfully submitted,

HELEN F. FAHEY
UNITED STATES ATTORNEY

By:



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Assistant U.S. Attorney



David J. Novak
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Certificate of Service

The undersigned hereby certifies that a copy of the Government's Final Amended Notice was hand-delivered in Court on July 22, 1997 to the following attorneys for the defendants:

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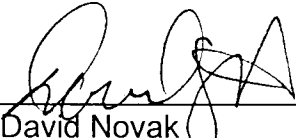
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